

Welcome to the MIC3 Commissioner Orientation Session



Tuesday, November 19, 2013
1 to 4 PM

1

Presenters

- * **Stephen Hogan, MIC3 Executive Director** shogan@csg.org
- * **Kathy Berg, MIC3 Commissioner – Hawaii** kberg@hawaii.edu
- * **Rosemarie Kraeger, MIC3 Commissioner – Rhode Island** rkraeger@mpsri.net
- * **Cheryl Serrano, MIC3 Commissioner – Colorado** cserrano@ffc8.org
- * **Kate Wren Gavlak, MIC3 Commissioner – California** kwrengavlak@travisusd.k12.ca.us
- * **Rick Masters, MIC3 General Counsel** rmasters@csg.org



2

Overall Objectives

- * Provide background on the Interstate Compact formation
- * Identify major components of the Compact
- * Identify key responsibilities of the Commission, National Office, and State Commissioners
- * Discuss typical transition issues that arise in school districts
- * Discuss communication strategies to support understanding of the Compact
- * Develop working relationships with Commissioners and the National Office
- * Provide legal foundation of the Compact and clarify liability issues



3

INTERSTATE COMPACT **ON EDUCATIONAL OPPORTUNITY** **FOR MILITARY CHILDREN**



AN INTRODUCTION TO THE COMMISSION

Stephen Hogan
MIC3 Executive Director

4

National Commission Duties

- * Commission governance
- * Monitor compliance and initiate interventions
- * Coordinate training and education
- * Elect the Executive Committee and establish other committees as necessary



5

Ex-Officio Role

- * Serve as principle liaison between the Commission and the designating organization
- * Serve in an advisory capacity to the Commission
- * Participate in Interstate Commission meetings and committee meetings
- * Represent the Commission at functions/events as requested by the Chair



6

Ex-Officio Members

- * National Conference of State Legislators (NCSL) – Mark Takai
- * Military Child Education Coalition (MCEC) – David Splitek
- * Senior State Liaison, Under Secretary of Defense (USDOD) – Tom Hinton
- * Department of Defense Education Activity (DoDEA) – Kathy Facon
- * National Military Family Association (NMFA) – Joyce Wessel Raezer
- * Military Impacted Schools Association (MISA) – Kyle Fairbairn



7

Executive Committee

- * Serves as:
 - * Oversight committee for compact operations of the Commission
 - * *Without power to amend rules or the Compact*
 - * Board of Trustees to the National Office
- * Members include:
 - * Chairperson – Kathy Berg – HI
 - * Vice-Chairperson - Kate Wren Gavlak - CA
 - * Treasurer – Pam Deering – OK
 - * Committee Chairs (Appointed by the Chairperson)



8

Responsibilities of the Executive Committee

- * Manage the Commission
- * Areas of responsibility include:
 - * Budget
 - * Staff appointments and retention
 - * Physical infrastructure
 - * Long range planning



9



10

Officers

- * Chairperson
 - * Calls and presides at all Commission & Executive Committee meetings
- * Vice-Chairperson
 - * Performs duties of Chairperson in his or her absence
- * Treasurer
 - * Acts as custodian of funds and monitors administration of fiscal policies and procedures



11

State Commissioner Ensures...

- * Compact mission & purpose are promoted
- * Appointments are compliant with Statute
- * State Council is functioning
- * Adequate Resources are available to the Compact Office
 - * Staff
 - * Training
 - * Capabilities/ Technology



12

State Commissioner Ensures...

- * Dues are paid
- * Informal disputes are handled
- * Working relationships are developed and maintained with
 - * National Office
 - * Education Departments
 - * State Council Members
 - * School Liaison Officers
 - * Other Commissioners
 - * Military Installations



13

Standing Committees

- * Training, Education & Public Relations

Rosemarie Kraeger – RI – Cmte. Chair

- * Compliance

Laura Anastasio – CT – Cmte. Chair

- * Rules

Mary Gable – MD – Cmte. Chair

- * Finance

Pam Deering – OK – Cmte. Chair



14

PR and Training Committee

- * Training
- * Develops & Approves Training and Educational Materials
- * Public Relations Function



15

Compliance Committee

- * Monitors Compliance
- * Develops Enforcement Procedures
 - * Draft & propose policy
 - * Initiate interventions to address and correct non-compliance.
 - * Recommend penalties for defaulting states
 - * Fines
 - * Remedial training and technical assistance
 - * Suspension and termination of membership in the Compact



16

Rules Committee

- * Receive referred proposals from:
 - * Majority of Commissioners at ABM
 - * States
 - * Standing Committee
- * Provide draft to all Commissioners for review and comment
(*post on MIC3 website*)
- * Prepare final draft, based on comments



17

Adoption of Rules

- * Submit to Commission for consideration
- * Publish text and notice of public hearing, not later than 30 days prior to scheduled vote
- * Interstate Commission shall take final action on the proposal by a majority vote.



18

Finance Committee

- * Chaired by Treasurer

- * Monitors:

- * Budget
- * Financial Practices



19

MIC3 Budget

- * Fiscal year is July 1 - June 30.
- * The Executive Committee approves the budget presented by the Executive Director.
- * The Treasurer presents the budget to the Commission at the annual business meeting for the upcoming fiscal year.



20

Finance Reports

- * The Executive Director shall submit financial reports to the Treasurer and Executive Committee
- * Annual Audit
- * CSG performs all accounting functions for the Commission



21

Current Dues Formula MIC 3 Rule 2.102 (d):

(d) The dues formula shall be based on the figure of one dollar per child of military families eligible for transfer under this compact, and beginning in FY 2014 this calculation shall be based upon the State in which each military family resides, except that effective FY 2013, and each year thereafter, no state dues assessment shall exceed the sum of sixty thousand dollars (\$60,000.00) per year and effective FY 2014, and each year thereafter, no state dues assessment shall be less than two thousand dollars (\$2,000.00).



22

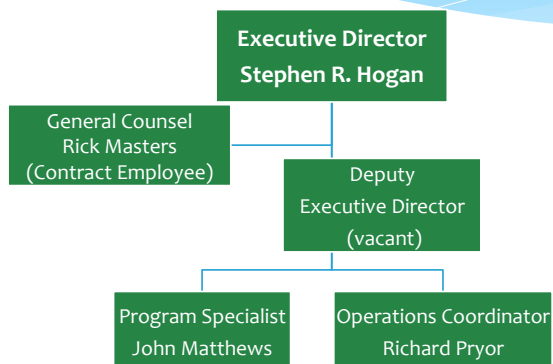
Commission Dues

- * Executive Director shall submit invoices to the states for dues prior to the beginning of each state's fiscal year
- * State will receive reminder notice 30 and 90 days following the beginning of signatories' fiscal cycle.
- * State will receive delinquent notice 120 days following beginning of signatories' fiscal cycle and the issue is referred to the Compliance Committee.



23

MIC3 Organization



24

Role of National Office

- * Secretary/Clearinghouse to the Commission

- * Documents
- * Meeting Minutes
- * Commission Business

- * Resource Center

- * Technical & Training Assistance
- * Publications/ Website
- * Directory of State Compact Offices
- * Inquiry Assistance
- * Legal Assistance/Opinions



25

Services Provided

#1 Priority is to serve the Commission

- * Assist Commission, Committees & States in carrying out respective missions/goals
- * Teleconference/Web conferences
- * On-site Meetings/Trainings
- * Materials



26

Training Assistance

- * Materials
 - * Presentations
 - * Manuals
 - * Brochures
 - * Legal



Technical Assistance

- * MIC3 Website
 - * #1 communication/resource center
 - * Updated frequently
 - * Discussion Forums
- * Communication Tools
 - * Surveys
 - * Reports
 - * Social Networks
 - * Webinars



MIC3 Website

www.MIC3.net

- * #1 communication/resource center
- * Updated frequently
- * Directory of State Compact Offices
- * Discussion Forums




29

Contact

- * Interstate Commission on Educational Opportunity for Military Children
PO Box 11910
Lexington KY 40578-1910
(859) 244-8069 Phone
(859) 244-8001 Fax
MIC3INFO@csg.org
- * Commission Website
www.mic3.net



30



QUESTIONS?

31

STATE COUNCILS

COORDINATION AND PROMOTION OF THE INTERSTATE COMPACT

Kathy Berg, MIC3 Commissioner – Hawaii
Rosemarie Kraeger, MIC3 Commissioner – Rhode Island
Cheryl Serrano, MIC3 Commissioner – Colorado
Kate Wren Gavlak, MIC3 Commissioner – California



32

Outcomes... as a result of this orientation

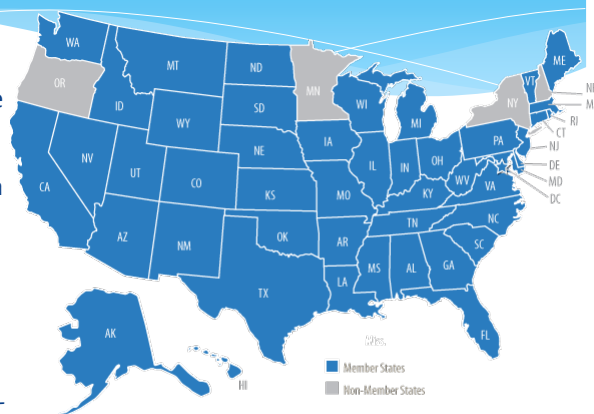
- * We will learn why the Interstate Compact was formed.
- * We will identify the major aspects of the Interstate Compact.
- * We will identify State Council and State Commissioners' responsibilities.
- * We will identify the major Compact Content areas.
- * We will discuss typical military student/family transition issues encountered at a school district.
- * We will discuss communication strategies that advance the understanding of the Compact.
- * We will work toward building a professional network of State Commissioners to support the Compact's mission.



33

Background and Status

- * Developed by The Department of Defense, with the assistance of The Council of State Governments
- * Input and assistance from national associations, federal and state officials and departments of education and superintendents
- * Adopted by 46 states and DC (approximately 98 percent of military school-age children in the US)



Virgin Islands 34 American Samoa Puerto Rico Guam Northern Mariana Islands

Major Points

- * The goal of the Compact is to replace the widely varying policies affecting transitioning military students. The Compact **leverages consistency**: It uses a comprehensive approach that provides a consistent policy in every school district and in every state that chooses to join.
- * The Compact addresses key educational **transition issues** encountered by military families including enrollment, placement, attendance, eligibility and graduation.
- * **Children of active duty members of the uniformed services, National Guard and Reserve on active duty orders, and members or veterans who are medically discharged or retired for one year are eligible for assistance under the Compact.**



35

State Council Responsibilities

- * Designed to serve as an advisory and advocacy body
- * May be tasked with development of policy concerning operations and procedures of the compact within that state.
- * Assist the State Commissioner with their responsibilities.
- * Promote and advocate the Interstate Compact to school administrators
- * Your states language may be different, particularly as related to members of the state (refer to the Compact as adopted in your state.)



36

State Commissioner Responsibilities

- * Participate on commission committees
- * Act as a liaison between national office, state compact office, state council and school districts
- * Ensure dues are paid within requirements set by commission
- * Attend commission meetings
- * Ensure appointment is in compliance with statute



37

State Commissioner Responsibilities (Continued)

- * Ensure state council is functioning with appropriate appointed members
- * Develop good working relationship with judiciary
- * Promote purpose and mission of Interstate Compact
- * Ensure state operations are in compliance with compact provisions and rules
- * Respond to requests, communication and surveys from national office



38

State Commissioner Responsibilities (Continued)

- * Request advisory opinions from MIC3 executive director within set guidelines (when necessary)
- * Coordinate the implementation of compact rules
- * Develop strong working relationships with district superintendents, school administrators and school counselors.
- * Disseminate materials and educate school district/ local educational agencies (LEAs) about the compact



39

State Commissioner Responsibilities (continued)

- * Record questions and cases handled by the commissioner and/or state council
- * Handle all cases in a timely manner
- * Develop a working relationship with all other State compact commissioners, area school liaison officers (if applicable), and MIC3 staff.



40

Compact Content

- * Article I – Purpose
- * Article II – Definitions
- * Article III – Applicability
- * **Article IV – Enrollment**
- * **Article V – Placement and Attendance**
- * **Article VI – Eligibility**
- * **Article VII – Graduation**
- * Article VIII – State Coordination
- * Article IX – Interstate Commission



41

Article IV - Enrollment

- * Educational Records
- * Immunizations
- * Entrance Age (Kindergarten)



42

Article IV - Enrollment: Educational Records

What's included:

- * Parents can receive a copy of unofficial records
- * Receiving school must accept the unofficial records to enroll and place the student pending reception of official records
- * Sending school must send official records within 10 business days of receiving a request from the receiving school.

What's not covered:

- * Giving parents the right to request a copy of every paper in the student file
- * Receiving unofficial records free of charge



43

Article IV - Enrollment: Immunizations

What's included:

- * Child is given 30 days from enrollment to obtain required immunizations
- * A series of immunizations must be started within 30 days of enrollment

What's not covered:

- * **TB testing:** since it is a test rather than an immunization, the test may be required before enrollment



44

Article IV - Enrollment: Kindergarten and First Grade Entrance Age

What's included:

- * A student can continue in the same grade in the receiving state.
- * In the case of a Kindergarten student, the student must have been enrolled and attended class in the sending state in order to assure continued attendance in Kindergarten in the receiving state.
- * A student may go to the next grade regardless of age requirements, if he or she has successfully completed kindergarten or 1st grade in the sending state.



45

Article IV - Enrollment: Kindergarten and First Grade Entrance Age

What's not covered:

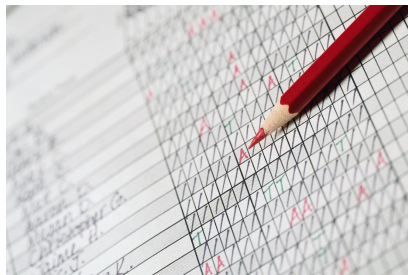
- * A student who has not been enrolled in kindergarten even though they are of eligible age to have started



46

Article V - Placement and Attendance

- * Course and Program Placement
- * Special Education Services
- * Placement Flexibility
- * Absence Related to Deployment



47

Article V - Placement and Attendance: Course and Educational Program Placement

What's included:

- * Receiving state will initially honor placement in courses or programs based on the student's enrollment in the sending state
- * Receiving state *may* subsequently perform an evaluation to ensure the appropriate placement and continued enrollment



What's not covered:

- * Guarantee of continued enrollment if not qualified
- * Although the receiving school must demonstrate reasonable accommodation, there is no requirement to create a course or additional space



48

Article V - Placement and Attendance: Special Education Services

What's included:

- * Receiving state will initially provide the same services identified in the students Individual Education Plan from the sending state
- * Receiving state *may* subsequently perform an evaluation to ensure the appropriate placement of the student



What's not covered:

- * A requirement to provide the exact programs as sending state
- * Anything above the requirements in the IDEA



49

Article V - Placement and Attendance: Placement Flexibility

What's included:

- Allowing flexibility to the Local Education Agency (LEA) to waive course or program prerequisites or other preconditions if similar course work has been completed in another LEA.



What's not covered:

- * Mandatory waivers of prerequisites or preconditions



50

Article V - Placement and Attendance: Absence Related to Deployment Activities

What's included:

- * Flexibility for additional excused absences to visit the parent or legal guardian due to deployment

Note: Deployment window is defined as one month before the member's departure from her/his home station through six months after return to station



What's not covered:

- * Requiring more than "reasonable accommodation"

Note: this provision provides discretion and flexibility to the LEA and school superintendent during state testing periods or if the student has already missed so much school that additional absences will be detrimental



Article VI – Eligibility

- * Enrollment
- * Extracurricular Participation



Article VI – Eligibility: Eligibility for Enrollment

What's included:

- A LEA cannot charge tuition to military children placed in care of a non-custodial parent or person serving “in loco parentis”
- A student can continue to attend his or her current school even if living with a non-custodial parent or person serving “in loco parentis”
- The power of attorney for guardianship is sufficient for enrollment and all other actions requiring parental participation or consent



53

Article VI – Eligibility: Eligibility for Extracurricular Participation

What's included:

- * State and local agencies shall facilitate the **opportunity** for inclusion in extracurricular activities regardless of deadlines as long as the child is otherwise qualified



What's not covered:

- * State student athletic associations, some of which are not affiliated with state or LEAs
- * Although the receiving school must demonstrate reasonable accommodation, there is no requirement to hold open or create additional spaces



54

Article VII – Graduation

- * From Receiving State
- * From Sending State
- * Exit Exams

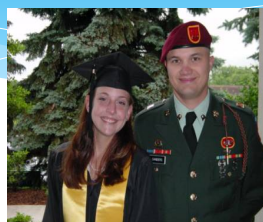


55

Article VII – Graduation

What's included:

- * Waiving courses required for graduation if similar course work has been completed in another LEA
- * Flexibility in accepting sending state exit or end of exams, national achievement tests, or testing in lieu of testing requirements for graduation in the receiving state
- * Allowing a student to receive a diploma from the sending school as an alternative to accommodations for exit exams and graduation requirements that the student doesn't have time to meet
- * Should a waiver not be granted to a student who would qualify to graduate from the sending school, the LEA shall provide an alternative means for acquiring course work so graduation may occur on time.



56

Article VII – Graduation (continued)

What's not covered:

- * Mandatory waivers....although LEA must show good cause for a denial of waiver
- * Mandatory waiver of the exam or acceptance of alternative results
- * The right of parents to request a change of graduation requirements in the receiving LEA



57

Interstate Compact Issues Case Studies

- * Kindergarten/1st grade entry
- * Enrollment
- * Placement
- * Eligibility
- * Extra-curricular
- * Exit Exams
- * Graduation
- * Each situation is unique – gather all the information before determining how the Compact applies.



58

Key Issues Affecting Military Students

* Academic Issues

- * Typical student experiences between 6-9 transitions
- * Social and Emotional Needs - New Friends/Peers
- * Adjustment to New School Setting – New Teachers and Social Setting
- * Transfer of Services for Special Education
- * Incompatible Graduation Requirements
- * Redundant / Missed Testing
- * Transfer of Coursework and Grades
- * Transfer of Records
- * Exclusion from Extra-curricular Activities



59

Student Quotes

- * “I wish teachers would understand the challenge of starting over—because that’s what we do. We start over everywhere we go.”
- * “The toughest move I ever had was when I was in fifth grade. I switched schools in December and I was failing all my classes—and I’m an honor roll student. I don’t fail classes. My teachers thought I was being disrespectful—but I was just miserable.”



60

Student Quotes

- * “Parents are a crucial part of a kid’s life, so when a child doesn’t have their parent—who might be their support system—there’s a piece of them missing. They want to compensate for that—or if they can’t, then there’s a barrier or a wall or something that could make it hard for them to open up or learn.”
- * “That’s when you really need someone to talk to—like, hey, my father is gone, and I’m having a hard time doing this homework assignment. I’m going to get it done, but I just need to talk to someone about this to get it off my chest before I can concentrate on anything.”



61

Key Issues Affecting Military Students

- * **Interpersonal Issues Affecting Performance**
 - * Typical deployments vary from 45 days – 1+ yrs (+ 3 months)
 - * Deployments can be sudden with little prep time
 - * AF deployments go unnoticed by media in 1s and 2s
 - * Recent AF survey showed that even parents who don’t deploy cope more poorly due to increased work load
 - * Issues can also begin during reintegration when the military member returns



62

Possible Responses to Parental Separation

Ages 6 – 8

- * Frequently experience sadness and grief
- * Regression to more childish behavior
- * Excessive complaints of pains or stomach aches
- * Poor attention span and difficulties in school
- * May feel deprived of attention and display clinging



63

Possible Responses to Parental Separation

Ages 9 – 12

- * 1/3 report symptoms of anxiety
- * May feel anger and resentment
- * Possible withdrawal
- * Boys especially may also experience increased aggression, and antisocial behaviors



Ages 13 - 18

- * May have limited coping skills
- * May distance themselves from others or feel resentful
- * Boys have greater school/peer problems during deployments
- * Girls tend to have greater difficulties when the deployed member returns home



64

Who Should Know About The Compact?

- * State Department of Education
- * School Boards
- * District Superintendents
- * Principals
- * School Counselors
- * School Liaisons



65

Education Communities and Audiences

- | | |
|--|---|
| * State Departments of Education | * American School Counselors Association |
| * State Boards of Education | * Association of Middle Level Education |
| * Military impacted school districts | * Association of Education Lawyers |
| * Military Impacted School Association (MISA) | * Association for Supervision and Curriculum Development (ASCD) |
| * American Association of School Administrators | * National PTA |
| * National School Board Association | * National Association of School Boards of Education |
| * National Association of Elementary School Principals | * Elected/Appointed Governmental Officials related to Education |
| * National Association of Secondary School Principals | * Other associations and organizations as identified |



66

Promotion and Training

- * Presentations to local elected school officials
(school boards, county commissioners, etc.)
- * Articles written and submitted to publications
- * Social media presence (Facebook, Twitter, blogs, etc.)
- * Training and support of state commissioners
- * Visits/consultations with state and school district personnel
- * Presentations at conferences
- * Public service announcements (video and audio)



67

“Tool Kit”

- * MIC3 Brochures
- * One-page informational handouts
- * Power points
- * Videos
- * Case Studies/Samples cases
- * Sample state council agendas
- * State council template by-laws
- * MIC3 Web site – www.mic3.net
- * FAQs - http://www.mic3.net/pages/FAQ/faq_index.aspx



68

Contact

- * **Kathy Berg, MIC3 Commissioner – Hawaii**
kberg@hawaii.edu
- * **Rosemarie Kraeger, MIC3 Commissioner – Rhode Island**
rkraeger@mpsri.net
- * **Cheryl Serrano, MIC3 Commissioner – Colorado**
cserrano@ffc8.org
- * **Kate Wren Gavlak, MIC3 Commissioner – California**
kwrengavlak@travisusd.k12.ca.us



69



QUESTIONS?

70

INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

LEGAL FOUNDATION

Rick Masters, Esq.
MIC₃ General Counsel



71

Interstate Compacts

- * Agreements between states authorized under Article I, Section 10, Clause 3 of the U.S. Constitution – the “Compact Clause”
- * “No State shall, without the Consent of Congress . . . enter into any Agreement or Compact with another State . . . “
- * The U.S. Supreme Court has consistently held that Congressional consent is only required for compacts that tend to increase the political power of the states in a manner that encroaches upon or interferes with the just supremacy of the United States.
[U.S. Steel Corp. v. Multi-state Tax Commission, 434 U.S. 452 (1978)]



72

Compacts

- * Approximately 200 compacts formed since the founding of the U.S.
- * About 38 are inactive
- * On average, each state is a member of 23 compacts
- * Creation of the Port Authority of New York and New Jersey in 1921 signaled a new era in regulatory compacts.



73

Uses of Interstate Compacts

- * Long history of compacts pre-dates the Constitution
- * Flexibility evident in variety of forms and uses:
 - * Scope: bi-state, regional, national
 - * Creation: negotiated
 - * Purpose: fixed agreements, advisory boards, regulatory entities
 - * Issues: transportation, environment, taxation, education, health, emergency management, corrections and public safety



74

Uses of Compacts cont.

- * Many well known compacts:
 - * NY-NJ Port Auth. Compact of 1921
 - * Colorado River Compact (1929)
 - * Interstate Compact on the Placement of Children (1960)
 - * Washington Metropolitan Transit Authority Compact (1966)
- * Increasingly common, broader in scope, more frequent use for regulatory purposes.



75

3 Primary Purposes

- | | |
|--|---|
| <ul style="list-style-type: none"> * Resolve boundary disputes; * Institutionalize and manage interstate issues pertaining to allocation of natural resources; | <ul style="list-style-type: none"> * Create on-going administrative agencies that have jurisdiction over a wide variety of concerns: <ul style="list-style-type: none"> * State Transportation * Taxation * Environmental matters * Regulation * Education * Corrections * Public Safety |
|--|---|



76

A state legislature's ability to delegate regulatory authority to an administrative agency is "*one of the axioms of modern government*"

-- Justice Felix Frankfurter

Extends to the creation of interstate commissions by compact

-- *West Virginia ex rel. Dyer v. Sims*,
341 U.S. 22 (1951)



77

Rulemaking Power

- * Commission rules must be adopted in a manner that is substantially similar to the process of the Model State Administrative Procedures Act.
- * Once adopted, the rules have the force and effect of statutory law and supersede any inconsistent state laws.
- * Majority of state legislatures can reject a proposed rule.



78

Enforcement Power

- * Commission has authority to enforce the compact and its rules upon the states by:
 - * Requiring remedial training
 - * Requiring mediation/arbitration of dispute
 - * Imposing monetary fines on a state
 - * Seeking relief in federal court, most likely by obtaining an injunction to curtail state action or compel compliance




79

Compact Statute

- Each State has passed similar legislation becoming Signatories to the Interstate Compact.
- Each Commissioner should become very familiar with the language of their State Statute/Code.



80



INTERSTATE COMPACT
ON
EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN


LIABILITY

81

Types of Public Acts

Generally two categories:

- * **Discretionary:** acts in which the public employee has the freedom to exercise good judgment and care in carrying out an act. These acts are not mandatory in the sense of imposing an affirmative duty.
- * **Ministerial:** acts that a public employee is required by law to fulfill. Most often these acts are defined by “shall”; they impose a mandatory duty without regard to discretion.



82

MIC 3 Does Not Confer a Private Right of Action by a Student or Parent

- * Without explicit language in the compact an intent to confer an individual right of action is not presumed. *Doe v. Pa. Bd. Of Prob. & Parole*, 513 F.3d 95 (2008).
- * Art. XI D.1 limits liability of MIC 3 commissioners, agents, & employees to that of other state officials, employees, and agents.



83



QUESTIONS?

84

Presenters



- * **Stephen Hogan, MIC3 Executive Director** shogan@csg.org
- * **Kathy Berg, MIC3 Commissioner – Hawaii** kberg@hawaii.edu
- * **Rosemarie Kraeger, MIC3 Commissioner – Rhode Island** rkraeger@mpsri.net
- * **Cheryl Serrano, MIC3 Commissioner – Colorado** cserrano@ffc8.org
- * **Pam Deering, MIC3 Commissioner – Oklahoma** Pdeering@mid-del.net
- * **Kate Wren Gavlak, MIC3 Commissioner – California** kwrengavlak@travisusd.k12.ca.us
- * **Rick Masters, MIC3 General Counsel** rmasters@csg.org